



**Town of Amherst
Application for Auction Permit**

To the Local Permit Agent:

Date: _____

The undersigned hereby applies for a Special/Annual (please circle one) Permit in accordance with the provisions of the Statutes relating thereto:

Name of Applicant: _____ Telephone: (Day) _____

Address: _____ (Eve) _____

_____ D.O.B. _____

Name of Auctioneer: _____ License # _____

Address: _____

Hours between which the auction is to be conducted: _____ .m. and _____ .m.

Will food/beverages be served?: _____ yes _____ no. If yes, you must have a permit from the Health Department.

Location of the auction: _____

General description of goods to be auctioned: _____

If you are applying for a **Special** Permit, you must also complete the following:

Estimated value of goods to be auctioned: \$ _____

Date(s) of auction (not to exceed 10 days): _____

I certify that the aforementioned information is accurate and true to the best of my knowledge and belief.

Date

X

Signature of Applicant

Once completed, this application must be filed (in person) with the Chief of Police.

Please attach copy of Auctioneer License

FOR OFFICE USE ONLY

Received: _____

Approved: _____

Chief of Police

Permit #: _____ Fee: \$ _____

Please return this application and a License Attestation Form to the **Select Board's Office**, 4 Boltwood Avenue, Amherst, MA 01002

**RULES AND ORDERS REGULATING THE ISSUANCE OF
ANNUAL AND SPECIAL AUCTION PERMITS**

Pursuant to the provisions of Sections 1 - 10 of Chapter 100 of the General Laws of Massachusetts, the Select Board of the Town of Amherst hereby adopts the following rules and orders regulating the issuance of Annual and Special Auction Permits.

Section 1 **Definitions**

The following words, as used in these rules and orders, unless the context or subject matter otherwise requires, shall have the following meaning:

"Auction" or *"Public auction"*, any sale, coming within its ordinary meaning, by public outcry, including in addition thereto, any sale by public outcry where property is offered first at a said price and thereafter successively or gradually at lower prices until an acceptor or purchaser is found.

"Auctioneer", any person who, for a fee, commission, profit or any other valuable consideration, or with the intention or expectation of receiving the same, by means of, or process of, an auction or sale at auction, offers, negotiates or attempts to negotiate, a listing contract, sale, purchase or exchange of goods, chattels, merchandise, real or personal property, or of any other commodity which may lawfully be kept or offered for sale by or at public auction.

"Auctioneering", the business or act of selling real, personal or mixed property by successive, competitive bids.

"Director", the director of the division of standards in the executive office of consumer affairs, established by section eleven of chapter six A.

"Goods", any chattels, livestock, merchandise, real or personal property, or commodities of any form or type which may be lawfully kept or offered for sale.

"Local auction permit agent", the person or persons so designed in a city by the mayor or in a town by the board of selectmen, or upon a failure to so designate or in the absence, incapacity or unavailability of any person or persons so designated, the chief of police.

"Person", individuals, associations, partnerships and corporations, and the officers, directors and employees of a corporation.

Section 2 **Local Auction Permit Agent**

At their February 10, 1992 regular meeting, the Select Board voted unanimously to appoint the Town Manager, or his/her designee, as the Local Auction Permit Agent. The Town Manager subsequently designated this duty to the Chief of Police.

Section 3 **Special or Annual Auction Permits**

No person shall act as an auctioneer in the commonwealth unless licensed therefor by the director. Each license issued by the director shall bear a number and shall be valid for one year from the date of its issuance, unless sooner suspended or revoked by the director.

No person shall conduct an auction without a special or annual permit issued by the Town. Application for such a permit are obtained through the Select Board's office and shall be filed with the local licensing authority or his/her/thier duly designated local auction permit agent.

No person shall be eligible for an annual permit unless he/she maintains a regular place of business for the conduct of auctioneering in the Town of Amherst. Each annual permit issued shall be valid for a term of one year commencing on the date of approval, unless sooner suspended or revoked.

Within six business days of the filing of an application for a special permit, and fourteen days for an annual permit, the local auction permit agent shall either approve the permit subject to stated reasonable terms and conditions relating to public safety as he/she may establish, or deny the application on stated grounds, which must be reasonable grounds relating to public safety. Failure of an agent to act within the appropriated time period shall constitute approval of the application. Upon approval, the applicant shall pay the permit fee to the Town prior to the permit's issuance.

Any applicant for a special or annual permit who is aggrieved by the action of the local auction permit agent on his/her application shall be entitled to a public hearing by the appointing authority of the agent in accordance with the provisions of chapter thirty A.

Section 4 **Prohibited Practices**

No person shall: (a) sell or offer for sale at auction goods known by him/her to be owned by a minor; (b) advertise an auction or goods for sale at an auction in the Town of Amherst without including the auctioneer's license number as a part of the advertisement; (c) advertise for sale or sell goods at auction falsely representing that said goods are, in whole or in part, bankrupt or insolvent stock or damaged goods saved from fire, or otherwise falsely represent or mislead any person as to their origin, history or condition; (d) sell, offer for sale or give away in connection with an auction, any goods as prize packages, gifts, premiums or bonus or otherwise as an inducement to purchase any other goods; (e) sell, offer for sale or dispose of goods at auction by chance or lot, or without first exhibiting to prospective bidders all such goods, including those in packages, bundles or containers, except as to auctions of unclaimed articles; (f) employ or knowingly allow, directly or indirectly, any person to act at any auction as a "capper" or "by bidder" or in any like capacity, for the purpose of bidding up the price of any goods in competition with bona fide bidders or for the purpose of encouraging or enticing bona fide bidders to purchase, or for the purpose of stimulating competitive bidding or sales; or personally act in such capacity; or (g) make or knowingly accept any false bid to buy, or pretend to sell or buy goods.

Section 5 **Fees**

Fees for special and annual permits shall be those fees in effect with the Town's current fee schedule at the time of issuance.

Section 6 **Effective Date**

These rules and orders shall become effective March 17, 1992.